IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2535 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

USUF ADAM

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 2535 of 1988
MR DG TRIVEDI for Petitioner No. 1
MR BB NAIK for Respondent No. 1-6

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 24/11/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Learned counsel Mr.Trivedi for the petitioner does not press his challenge to the vires, therefore, we are not required to go into the same. However, he tried to challenge the impugned order on merits. But, we find from the order sheet of the matter, Division Bench of this court by a detailed order dated 18.9.1989 refused interim relief. However, there was a challenge to the viers of Section 111 of the Customs Act, 1962 and clause 11(m) of the Import (Control) Order, 1955 issued under the Import & Export (Control) Act, 1947, therefore, Rule was ordered to be issued in the matter. As stated earlier, when the challenge to the vires of the said section and rules is given up, then nothing more is required to be done in the matter and it is required to be dismissed in terms of the interim order dated 18.9.1989 passed by the Division Bench of this court and accordingly this petition is dismissed. Rule is discharged. No order as to costs.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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